

CATTLE INDUSTRY COMPENSATION.

No. 45 of 1981.

**AN ACT to amend the Cattle Industry Compensation
Act 1965-1979.**

[Assented to 1 September 1981.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Cattle Industry Compensation Amendment Act 1981*.

Short title
and citation.

(2) In this Act the Cattle Industry Compensation Act 1965-1979 is referred to as the principal Act.

Reprinted as
approved
30 March
1971 and
amended by
Acts Nos.
52 of 1976
and 14 of
1979.

(3) The principal Act as amended by this Act may be cited as the Cattle Industry Compensation Act 1965-1981.

Section 6
amended.

2. Section 6 of the principal Act is amended by inserting after the definition of "processing company" the following definitions—

" "specified area" means a part of the State specified in a notice made by the Minister and published in the *Government Gazette* pursuant to section 17A;

"specified disease" in relation to a specified area means any disease of cattle which is an enzootic disease within the meaning of the Stock Diseases (Regulations) Act 1968, that the Minister, by notice published in the *Government Gazette* pursuant to section 17A specifies as a specified disease in that area for the purposes of this Act; "

Section 12
amended.

3. Section 12 of the principal Act is amended in subsection (2)—

(a) by inserting after "diseased cattle," the following—

" cattle suffering from a specified disease in a specified area, " ; and

(b) by inserting after "disease" the following—

" or from a specified disease in a specified area " .

Section 14
substituted.

4. Section 14 of the principal Act is repealed and the following section is substituted—

" 14. Where cattle are to be destroyed—

(a) by order of the Chief Inspector or an inspector, because the cattle are suffering from disease or from a specified disease in a specified area, or are suspected to be so suffering; or

(b) with the consent of the Chief Inspector, where cattle are suffering from a disease or are suspected to be so suffering,

Chief
Inspector
may direct
cattle to
be destroyed
at specified
abattoirs.

the Chief Inspector, or as the case may be, the inspector, may by notice in writing given to the owner of the cattle require the cattle to be destroyed at some abattoir specified in the notice. ” .

5. Section 15 of the principal Act is amended— Section 15 amended.

(a) in paragraph (a), by inserting after “disease” the following—

“ or from a specified disease in a specified area ” ;

(b) in paragraph (c)—

(i) by inserting after “disease” the following—

“ or a specified disease ” ; and

(ii) by deleting “the carcass.” and substituting the following—

“ the carcass; ” ; and

(c) by inserting after paragraph (c) the following paragraph—

“ (d) pursuant to section 17A of this Act, to the owner of any cattle which are proved to the satisfaction of the Chief Inspector or an inspector to have died from a specified disease in a specified area. ” .

6. Section 16 of the principal Act is amended— Section 16 amended.

(a) in subsection (1), by inserting after “disease” the following—

“ or from a specified disease in a specified area, ” ;

(b) in subsection (2), by inserting after “disease” the following—

“ or a specified disease ” ;

- (c) by inserting after subsection (2) the following subsection—

“ (2a) The amount of compensation payable under this Act in respect of any cattle which have been proved to the satisfaction of the Chief Inspector or an inspector to have died from a specified disease in a specified area, shall be the value of the cattle so dying as determined pursuant to subsection (1a) of section 17 of this Act. ” ; and

- (d) in subsection (3), by inserting after “destruction” the following—

“ or death from a specified disease in a specified area ” .

Section 17
amended.

7. Section 17 of the principal Act is amended—

- (a) by inserting after subsection (1) the following subsection—

“ (1a) The value of any cattle which have been proved to the satisfaction of an inspector to have died from a specified disease in a specified area shall be as determined by agreement between the owner of the cattle and that inspector, and in default of agreement some competent and impartial person nominated for the purpose by the Minister shall determine the value. ” ; and

- (b) by inserting after subsection (3) the following subsection—

“ (4) In subsection (1a) of this section—

“inspector” includes the Chief Inspector. ” .

8. After section 17 of the principal Act the following section is inserted—

Section 17A
inserted.

“ 17A. (1) The Minister may, after making such enquiries as he sees fit and after consultation with primary producer organizations, by notice published in the *Government Gazette* declare that compensation is payable under this Act to the owner or owners of any cattle which are proved to the satisfaction of the Chief Inspector or an inspector to have died—

Compensation for specified disease in specified area.

- (a) from a disease specified in the notice;
- (b) in an area of the State specified in the notice; and
- (c) either—
 - (i) on or after a date specified in the notice; or
 - (ii) during a period specified in the notice,

which date or period, as the case requires, may be prior to the publication of the notice.

(2) A notice published under subsection (1) of this section—

- (a) when so published takes effect or shall be deemed to have taken effect according to its tenor on the day specified in the notice as that on which it takes effect or shall be deemed to have taken effect, and in the absence of such a specification, takes effect on the day of publication; and
- (b) may be cancelled or varied at any time by the Minister by a subsequent notice so published but such cancellation or variation shall not affect any right to compensation for the

death of cattle proved to have occurred during the period in which the notice was in operation. ” .

Section 19
amended.

9. Section 19 of the principal Act is amended—

(a) in paragraph (a), by inserting after “disease” the following—

“ or a specified disease ” ; and

(b) in paragraph (h), by inserting after “carcass” where secondly occurring, the following—

“ condemned by the Chief Inspector, an inspector or other authorised person because of disease or a specified disease, as unfit for human consumption ” .

Section 46
amended.

10. Section 46 of the principal Act is amended in paragraph (b)—

(a) by inserting after “from disease” the following—

“ or from a specified disease ” ; and

(b) by inserting after “portion of a carcass,” the following—

“ or in respect of the death of any cattle from a specified disease in a specified area, ” .
